ARLINGTON PUBLIC SCHOOLS

June 25, 1971

PLAN FOR DESEGREGATING
DREW AND HOFFMAN-BOSTON ELEMENTARY SCHOOLS

Plan for Desegregating Drew and Hoffman-Boston Elementary Schools

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SECTION I

STATEMENT OF POLICY ISSUED BY THE ARLINGTON COUNTY SCHOOL BOARD CONCERNING CURRENT LITIGATION SEEKING INTEGRATION OF DREW AND HOFFMAN-BOSTON ELEMENTARY SCHOOLS

ARLINGTON PUBLIC SCHOOLS

June 28, 1971

STATEMENT OF POLICY ISSUED BY THE ARLINGTON COUNTY SCHOOL BOARD CONCERNING CURRENT LITIGATION SEEKING INTEGRATION OF DREW AND HOFFMAN-BOSTON ELEMENTARY SCHOOLS

The School Board has held many lengthy conferences with its attorneys on the suit instituted by parents in the Drew School area asking the federal courts to require further integration in the Arlington School System. A consultant attorney experienced in this field participated in these conferences.

The School Board was eventually advised that the recent Supreme Court decisions and subsequent decisions by the United States Court of Appeals for the Fourth Circuit, which includes Virginia, make it clear that the ultimate result of that case would be a federal court order requiring the Arlington County School Board to take further steps to integrate its school system into a unitary system.

The School Board has worked with the staff and the attorneys to develop a plan for integration of the two schools which would best meet not only the anticipated legal requirements but also the best interests of all Arlington students and of the community as a whole.

During this process the School Board instructed its attorneys to consult with the attorneys for the plaintiffs in order to try to reach an agreement on a desegregation plan that would reduce rather than increase tensions. Several meetings and conversations took place, but no agreement was reached.

The School Board discussed many times the possibility of inviting the public to take part in the development of a plan. For some weeks, consultation between our respective attorneys looked like a better procedure; by the time it became clear that further consultation would be unproductive, there was too little time for meaningful public participation. For this reason and because of the legal and technical complexities, the Board decided that the obligation and responsibility could not be so shared, nor would the community benefit by public discussion of an issue of this nature, especially under these circumstances.

The Board will release tonight the plan it has developed. Briefly stated:

The students in grades 1-6 of Drew and Hoffman-Boston will be assigned to elementary schools throughout the Arlington School System. Kindergartens will continue at both Drew and Hoffman-Boston. No present school boundaries will be changed. A school will not be assigned students in such numbers that its total enrollment will exceed its rated capacity by more than 5%. Every elementary school will be integrated. In future years, students advancing from an elementary school will attend the junior high school or schools serving that elementary school and then to the senior high school or schools serving that junior high school.

During the coming year the School Board will develop plans for a model school to be located in the Drew building and operated on an integrated basis. We hope that imaginative new approaches to elementary education and smaller

ARLINGTON PUBLIC SCHOOLS
Department of Research

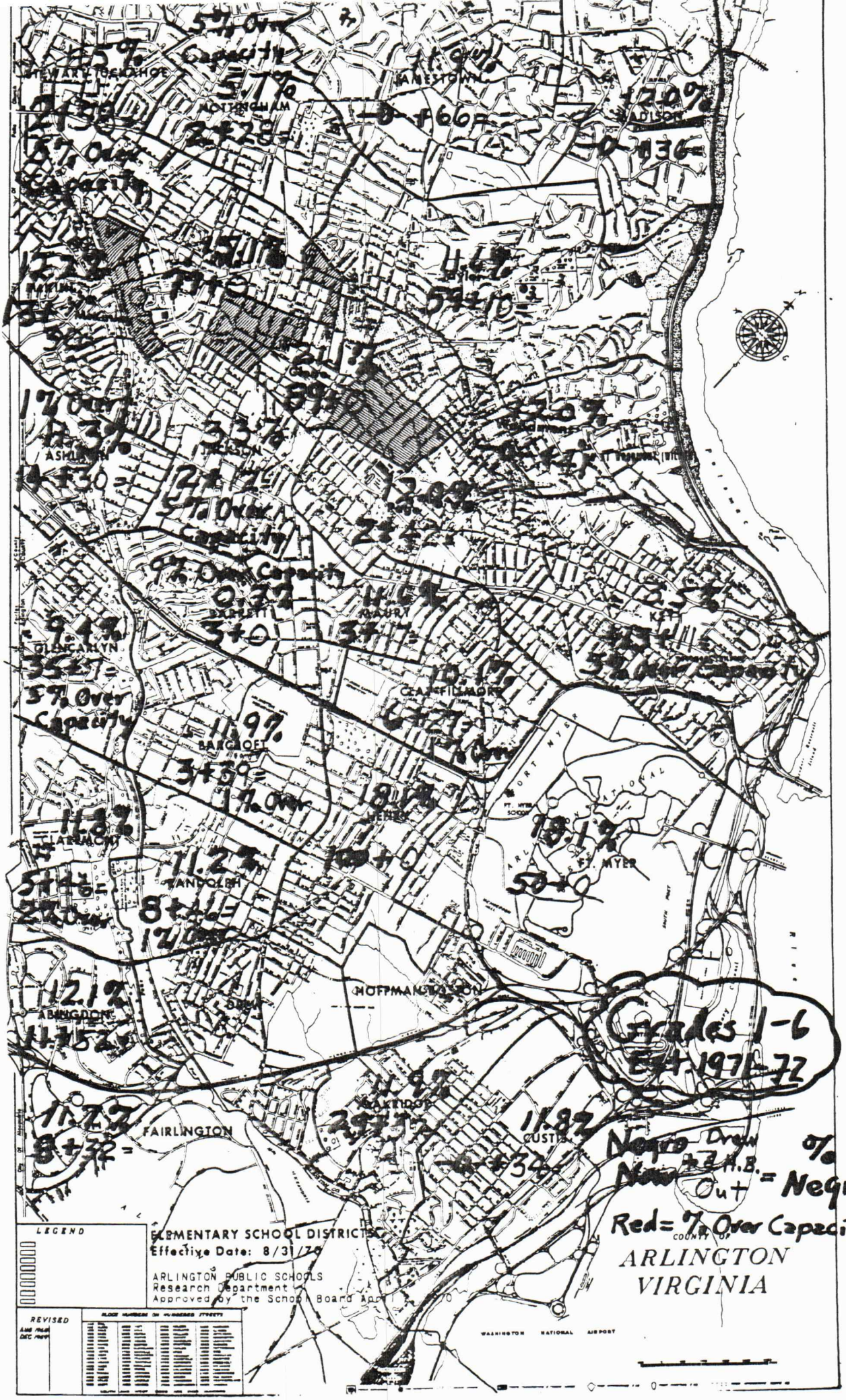
June 25, 1971

ELEMENTARY PUPIL MEMBERSHIP--Est. 1971-72
GRADES 1 thru 6 Only
With DREW & HOFFMAN-BOSTON - Grs. 1-6
Housed Outside Their Present Elementary Districts

SCHOOLS	Memb. Est. Total 1971-72	NEGRO PUPILS			Est. New Total 1971-72	Rated Capacity	Per-Cent Negro	Per-Cent Over Capacity
		No. Negro Now	Add From Drew and H-B	Total Negro 71-72				
Abingdon	470	11	52	63	522	675	12.1%	-
Ashlawn	358	14	30	44	388	385	11.3	1%
Barcroft	314	3	39	42	353	350	11.9	1
Barrett	410	3	-0-	3	410	375	0.7	9
Claremont	408	5	49	54	457	450	11.8	2
Clay-Fillmore	300	6	27	33	327	325	10.1	1
Custis	253	-0-	34	34	287	300	11.8	-
Drew	590	-	-	-	-0-			
Fairlington	309	8	32	40	341	350	11.7	-
Ft. Myer	277	50	-0-	50	277	425	18.1	-
Geo. Mason	69	12	-0-	12	69	70	17.4	-
Glebe	421	89	-0-	89	421	500	21.1	-
Glencarlyn	439	35	7	42	446	425	9.4	5
Henry	553	100	-0-	100	553	632	18.1	-
Hoff-Boston	114	-	-	-	-0-	-		
Jackson	408	2	12	14	420	400	3.3	5
Jamestown	489	-0-	66	66	555	575	11.9	-
Key	666	13	11	24	677	645	3.5	5
Madison	263	-0-	36	36	299	325	12.0	-
Maury	156	3	17	20	173	175	11.6	-
McKinley	323	13	30	43	353	425	12.2	-
Nottingham	496	2	28	30	524	500	5.7	5
Nat'l Orth.	5	-	-	-0-	5			
Oakridge	519	29	37	66	556	705	11.9	-
Page	326	2	42	44	368	425	12.0	-
Randolph	435	8	46	54	481	475	11.2	1
Reed	510	77	-0-	77	510	550	15.1	-
Taylor	586	59	10	69	596	650	11.6	-
Tuckahoe	465	2	58	60	523	500	11.5	5
Woodmont	301	-0-	41	41	342	450	12.0	-
TOTAL:	11,233	546	704	1,250	11,233	--	11.1%	-

SECTION III

Map and Table Showing the Consequences of Applying the Criteria


Grades 1-6
Negro Drop
New H.B. Out
= Negro
Red = % Over Capacity
ARLINGTON
VIRGINIA
LEGEND
ELEMENTARY SCHOOL DISTRICTS
Effective Date: 8/31/70
ARLINGTON PUBLIC SCHOOLS
Research Department
Approved by the School Board
REVISED
WASHINGTON NATIONAL AIRPORT
NEWARK
NOTTINGHAM
JAMESTOWN
ADISON
ASHLAWN
JEFFERSON
BARCROFT
MAURY
KEY
CLARENDON
CLAREMONT
BARCROFT
HENRY
FT. MYER
LATHROP
RANDOLPH
HOFFMAN-BOSTON
ABINGDON
FAIRLINGTON
CUSTIS

SECTION IV

Plan to Develop a Model School at Drew for the 1972-73 School Year

It is intended that careful planning by the school staff take place early enough in the next school year to describe the details and satisfy the operational requirements necessary for establishing a model school to be conducted at Drew School for the 1972-73 school year.

Members of the community and competent educational specialists will be involved by the staff in this planning. It is expected that the program developed for the model school would be attractive enough to elicit requests from parents all over the County for their children to be admitted to the school, e.g. the pre-kindergarten and kindergarten Montessori program might be enlarged to permit white students from other attendance areas to attend; the Westinghouse computer managed, highly individualized program "Program for Learning in Accordance with Needs (PLAN)" might be instituted for grades 2-6; or a less formal program modeled after the British primary integrated day plan might be used, or a combination of these and others might be developed. Such a school will be planned with a lower pupil-staff ratio and consequently a higher per pupil expenditure than usual and will require special budget support. Such a school might well be staffed by especially competent teachers and used as a center for others of our staff to come for observation and further training. In any event, it would offer parents of the community a highly attractive alternative to the elementary school in their regular attendance area. Some control will be established to insure that the model school would not result in a resegregated Drew School. Transportation will be provided as needed.

SECTION V

Plan for Use of the Drew and Hoffman-Boston Buildings During the 1971-72 School Year

1. The Drew building will be used during the 1971-72 school year to house:

   a. The kindergarten children from the Drew attendance area - 2 rooms

   b. A model pre-school Montessori program for approximately 100 three and four year old children from the Drew attendance area (Enclosure "A") - 2 rooms

   c. A part of the day-time Adult Education High School Credit Program (classes in English, History, Government, Psychology, etc.) - 2 rooms

   d. An Adult Accelerated Learning Center (Enclosure "B") - 2 rooms

   e. The Adult Clerical Office Training Education Program (Enclosure "C") - 2 rooms

   f. The Adult Education Industrial Work Experience Program (Enclosure "D") - 2 rooms

   g. Adult Education Courses in Nutrition and Consumer Economics - 2 rooms

   h. Adult Education Manpower Development (Enclosure "E") - 2-6 rooms

   i. Curriculum Materials Centers for Science, Mathematics, Reading and English, Social Studies, etc. - 8 rooms

   j. Community rooms where staff members from the other elementary schools can meet with their parent constituents near their homes - 2 rooms

2. The Hoffman-Boston building will be used during the 1971-72 school year to house:

   a. The kindergarten children from the Hoffman-Boston area

   b. The Title I pre-kindergarten program

   c. As an annex to the Thomas Jefferson Junior High School for 344 seventh grade students and for 30 special education students.

3. In addition, the schools will continue to be used by the Recreation Department and by other community groups.

SECTION VI

Plan for Attendance in Secondary Schools of Students Assigned According to Sections II and III

It is planned that students from the Drew and Hoffman-Boston School areas assigned to another elementary school, will on completion of the sixth grade advance to the junior high school or schools serving that elementary school; and on the completion of the ninth grade, advance to the senior high school or senior high schools serving that junior high school. Transportation will be provided as needed.

SECTION VII

Plan for Staff Desegregation

It is intended that the teaching staff of each of the Arlington Schools be desegregated at a ratio as close to the ratio of black to white teachers of the school system as is practical - approximately 9% - and in no case less than 5%.

In the process of accomplishing this desegregation, the wishes of teachers who are to be transferred will be sought, and whenever possible, assignment will be made in accordance with their wishes. Guidelines to be followed are set forth below:

Guidelines to be Followed in Desegregating Teaching Staff

1. The teaching staffs of Drew and Hoffman-Boston Elementary Schools, excluding the kindergarten teachers, will be reassigned to other elementary schools to positions for which they are certified.

2. Following the assignment of students presently attending Drew and Hoffman-Boston Elementary Schools to the other elementary schools in the system, teaching vacancies that are created by the additional students will be announced to the teaching staffs of Drew and Hoffman-Boston. Those teachers will be given the opportunity to request their choice of assignments. Wherever practical, reassignments will be determined by their choice.

3. No vacancies in the elementary school teaching staffs will be filled from outside the system until these transfers have been implemented.

4. The teaching staff of all schools will be reviewed to determine that the ratio of black to white teachers in the schools is near that of the staff of the school system as is practical (approximately 9%) and in no case less than 5%. In those instances where the number of black teachers assigned falls below 5%, reassignments will be made between schools to bring all staffs up to this lower limit.

5. No employees salary shall be reduced as a result of the implementation of this plan of desegregation.

6. Policies formulated with regard to the reassignment and new assignment will be distributed to all professional employees.

SECTION VIII

Plan to Seek Federal Assistance to Facilitate Desegregation

Drew and Hoffman-Boston students accustomed to attending all-black schools will in many instances be attending formerly all-white elementary schools. For both black and white children this will be a new experience. White teachers unaccustomed to teaching black children and black teachers unaccustomed to teaching white children will be asked to work sensitively and productively with students who are learning to go to school with each other.

The quality of the human relationship created by parents, students, and teachers will determine the extent to which students learn and have satisfying school experiences.

A program to help students, parents, and teachers understand each other and learn how to be helpful to each other is essential. A proposal will be developed along the lines suggested in draft form in Enclosure "F" and submitted for funding under the Emergency School Assistance Act.

In addition, consultant services from the University of Virginia, Virginia Technical Assistance Program, Consultative Resource Center, will be secured.

Special Federal funding is warranted and expected, however, in the event it is not forthcoming a program using available local resources will be established.

ENCLOSURE "A"

MONTESSORI

Plan to Implement a Montessori Program in The Arlington Public Schools

At the May 27, 1971, meeting of the Arlington School Board, funds were approved to establish a Montessori pre-school and kindergarten program in the Wakefield attendance area. The School Board's rationale was that patterns are acquired during the first five years of life which have implications for a child's ability to succeed during his entire school career. The works of many of today's learning theorists support this view. Thus, the action of the Board represents an innovative and pragmatic approach to the long range solution of learning problems at elementary, junior, and senior high school levels.

The plan to implement the decision to establish a Montessori program has five components:

1. Definition of purpose
2. Staff development
3. Organization of classes
4. Evaluation
5. Proposed budget.

The following brief discussion of each component represents the planning to this date and has involved Mrs. Camay Brooks, Mrs. Ann Lewin, principals, and kindergarten teachers. More complete plans will need to be developed with the consultant and with staff members when the proposal and the budget are approved.

1. Definition of purpose

Implementation of a Montessori program will involve

a. Teacher training, both pre-service and in-service, in which the goal is to develop Montessori instructional capabilities in two Arlington kindergarten teachers. They may become potential model teachers if the program is expanded, and their experience will demonstrate the feasibility of introducing Montessori materials and teaching approaches in a public school pre-school and kindergarten.

b. Initiation of two Montessori pre-school classes in which the goal is to establish classes that can be used for demonstration purposes during the period of in-service training and as model classes if the program is extended in subsequent years. The benefits to children will be evaluated in a longitudinal study of at least three years duration.

2. Staff development

a. Pre-service training

A ten-day summer training program will be held in July, 1971, at Oakridge School and will involve seven kindergarten teachers and a Montessori consultant. The teachers will receive preliminary training that will emphasize the philosophy of the Montessori approach and introduce the

techniques of using Montessori materials. Experiences will include observation, demonstration, video-tape programs, manipulation of materials, and guided reading and discussion. During the pre-service days in August, two of the kindergarten teachers will have guidance in preparing their classrooms and setting up the Montessori materials that will be used with four and five year olds.

Provisions will be made for the classroom aides who will work with the program to be present during five of the ten days of pre-service training. The aides will be helped to understand those developmental goals that involve adult/child relationships in the classroom and will be taught how to maintain order in the physical environment.

b. In-service training

Five days of released time will be provided the two kindergarten teachers who will participate in the program. These days may be scheduled as ten half-day sessions for observation, demonstration, use of materials, informal evaluation, and seminars with the Montessori consultant. Aides will also be involved in four of the half-day training sessions.

The major purpose of the staff development program is to change teacher behavior, inculcating a new understanding of the teacher's role in relation to the child and the environment and equipping teachers with the specific technical skills necessary to the Montessori approach. These include:

- establishing and maintaining an environment carefully structured to help children attain specific developmental goals
- using a large body of manipulative materials which are in effect diagnostic/resource tools
- working with a mixed age group of children
- functioning as a teacher in the role of facilitator/observer rather than central director
- individualizing instruction on a one-to-one basis, either adult to child or child to child.

3. Organization of classes

Montessori classes will be established at Drew School with the employment of two trained Montessori teachers who will work in a cooperative relationship with returning kindergarten classes. The proposed class organized as shown below will require three full-time and one half-time teachers to serve 75-95 five year olds, 64 four-year olds, and 36 three-year olds. Adjustments in the number of three and four-year olds will be made if necessary to accommodate all enrollees who will reach their fifth birthday on or before October 1, 1971.

Kindergarten (1.5 - 2.0 teachers)		Montessori (2 teachers)	
AM	30 five-year olds	AM (Sept.)	14 four-year olds
	20 four-year olds		16 three-year olds
PM	15 five-year olds	(Phased in)	20 three-year olds
	10 four-year olds	PM	30 five-year olds
			20 four-year olds

4. Evaluation

Evaluation of the program will be specified as part of a proposed State Pilot Project. It will include three general procedures:

a. Objective evaluation of children's progress using pre-school inventories and standardized measures of achievement. The objective evaluation measures will extend over a three year period with a comparative study developed at the kindergarten and first grade levels.

b. Subjective records of the children's development which will be kept by the teacher using annecdotal journals of the type developed in the British Infant Schools and reported by the Educational Development Center in Newton, Massachusetts. Consideration will also be given to the longitudinal evaluations process of "early learners" now being developed by the University of Maryland Research Team and Dr. Laura Dittman.

c. Observation of the classes, which will include measures of the number of Montessori materials in evidence in the classroom, the number of times the teacher uses the materials with the children and the quality of the children's response, and the number of instances of spontaneous use of materials by the children and the quality of use.

5. Budget

a. Staff	2 Montessori teachers @ $7575	$15,150.00
	2 Aides	6,100.00
		$21,250.00
b. Staff development		
	Preservice for 7 kindergarten teachers,10 days @$22/day	$ 1,540.00
	Preservice for 4 aides, 5 days @ $11/day	220.00
	Inservice for 2 kindergarten teachers, 5 days @$22/day	220.00
	Inservice for 4 aides, 2 days @ $11/day	88.00
	Montessori consultant, 26 days @ $65/day	1,690.00
		$ 3,758.00
c. Equipment and Supplies		
	Montessori equipment, 2 classrooms @ $2,000/rm	$ 4,000.00
	Kindergarten furniture, 2 classrooms @ $1,200/rm	2,400.00
	Supplies, 4 classes, @ $250/class	1,000.00
		$ 7,400.00
	TOTAL	$32,408.00

ENCLOSURE "B"

ARLINGTON PUBLIC SCHOOLS

Request for Approval of Project Partially or Wholly Funded from Other than Usual Budgetary Sources

1. Title of Project Arlington Adult Area Learning Resource Centers (2)

2. Brief description of Project: This project will serve educationally disadvantaged and foreign speaking adults. The learning systems and materials used in the centers are individualized, programmed, basically self-instructional in Reading, English and Mathematics. They are designed to prevent the student from experiencing failure. Diagnosis and prescriptions for individually paced, independently pursued learning experiences are provided for each student.

3. Benefits expected: Students will experience high success levels, will be highly motivated, and will master basic skills in mathematics, reading and English. Successful project accomplishment will provide a model for use in other Arlington schools.

4. Time period covered by the Project: July 1, 1971-June 30, 1972

5. Cost of Project:
   a. Budgeted local funds none (in current school budget)
   b. Other funds $130,163
   c. Total $130,163
   d. Source(s) of other funds

      Adult Basic Education Act

6. It is recommended that the School Board approve the project described above.

7. It is recommended that upon receipt of approval from the funding agency, that the County Board be requested to approve the appropriation of $ 130,163 to this project as shown in item 5c above.

8. It is recommended that upon receipt of approval from the funding agency, that the Board approve the funding arrangement set forth in 5 above and that $ 40,000 be loaned from the School Operating Fund to this project in order to meet obligations until reimbursement claims can be filed and payments received.

9. It is recommended that the Superintendent be authorized to make any other fiscal arrangements that are necessary to the success of the project and are harmonious with the intent of the Board.

10. Enclosures:

ENCLOSURE "C"

ARLINGTON PUBLIC SCHOOLS

Request for Approval of Project Partially or Wholly Funded from Other than Usual Budgetary Sources

1. Title of Project Clerical Office Education -- Special Cooperative -- Adult

2. Brief description of Project: This is a training program for out-of-school adults who have need and interest in a program for the development of employable skills. The program plan anticipates part-time work through a cooperative office experience related to the instructional program.

3. Benefits expected: Individuals in the program will be provided opportunities to develop employable clerical office skills. Provision will be made to determine individual needs for which educational experiences will be designed consistent with the assessed needs of enrollees. The program will provide training for enrollees who would be accommodated by a Manpower program if one were available to them.

4. Time period covered by the Project: 12 months

5. Cost of Project:
   a. Budgeted local funds $1,500.00 (in current school budget)
      (Est. amount for renovation & wiring to convert rooms)
   b. Other funds $38,671.66
   c. Total $40,171.66
   d. Source(s) of other funds

      State and Federal Vocational Education Programs

6. It is recommended that the School Board approve the project described above.

7. It is recommended that upon receipt of approval from the funding agency, that the County Board be requested to approve the appropriation of $ 38,671.66 to this project as shown in item 5c above.

8. It is recommended that upon receipt of approval from the funding agency, that the Board approve the funding arrangement set forth in 5 above and that $ 10,000.00 be loaned from the School Operating Fund to this project in order to meet obligations until reimbursement claims can be filed and payments received.

9. It is recommended that the Superintendent be authorized to make any other fiscal arrangements that are necessary to the success of the project and are harmonious with the intent of the Board.

10. Enclosures:

ENCLOSURE "D"

ARLINGTON PUBLIC SCHOOLS

Request for Approval of Project Partially or Wholly Funded from Other than Usual Budgetary Sources

1. Title of Project Industrial Work Experience Program

2. Brief description of Project: An alternate week vocational cooperative education program for full-time adult education diploma students offering opportunities and work experiences in trade and industrial related occupations. Students will be in school one week taking required academic subjects and on the job learning the skills of the occupation the next week, alternating throughout the year.

3. Benefits expected: Students in the adult education diploma program will have the opportunity of an expanded curriculum to include experiences in trade and industrial experiences. Examples of occupations are: helpers in the building trades and auto mechanics trades, service station attendants, and building maintenance occupations.

4. Time period covered by the Project: Three (3) years

5. Cost of Project: a. Budgeted local funds none (in current school budget)

   b. Other funds $100,958.43

   c. Total $100,958.43

   d. Source(s) of other funds

   State and Federal Vocational Funds

6. It is recommended that the School Board approve the project described above.

7. It is recommended that upon receipt of approval from the funding agency, that the County Board be requested to approve the appropriation of $100,958.43 * to this prouect as shown in item 5c above.

8. It is recommended that upon receipt of approval from the funding agency, that the Board approve the funding arrangement set forth in 5 above and that *$ 100,958.43 be loaned from the School Operating Fund to this project in order to meet obligations until reimbursement claims can be filed and payments received.

9. It is recommended that the Superintendent be authorized to make any other fiscal arrangements that are necessary to the success of the project and are harmonious with the intent of the Board.

10. Enclosures: * 1971-72 --- $33,154.97
    1972-73 --- 32,349.95
    1973-74 --- 35,453.51

ENCLOSURE "E"

ARLINGTON PUBLIC SCHOOLS

Request for Approval of Project Partially or Wholly Funded from Other than Usual Budgetary Sources

1. Title of Project SECRETARIAL SCIENCE OCCUPATION CLUSTER

2. Brief description of Project: This program will be operated by the Arlington School Board in cooperation with the Manpower Training Service. It provides the opportunity to train 60 people for entry level in one of the following job classifications: Secretary, Stenographer, File Clerk, Clerk-Typist, Clerk-General, Cashier, Teller, Key Punch Operator, Data Typist, Clerk-General Office, Proof Machine Operator, Receptionist, etc.

3. Benefits expected: This will enable many people to get off welfare by training them to become gainfully employed.

4. Time period covered by the Project: Sept. 1971 - August 1972

5. Cost of Project:
   a. Budgeted local funds _____ (in current school budget)
   b. Other funds $62,957
   c. Total $62,957
   d. Source(s) of other funds

6. It is recommended that the School Board approve the project described above.

7. It is recommended that upon receipt of approval from the funding agency, that the County Board be requested to approve the appropriation of $ 62,957 to this project as shown in item 5c above.

8. It is recommended that upon receipt of approval from the funding agency, that the Board approve the funding arrangement set forth in 5 above and that $30,000 be loaned from the School Operating Fund to this project in order to meet obligations until reimbursement claims can be filed and payments received.

9. It is recommended that the Superintendent be authorized to make any other fiscal arrangements that are necessary to the success of the project and are harmonious with the intent of the Board.

10. Enclosures:

ENCLOSURE "F"

PROGRAM FOR FACILITATING DESEGREGATION

IN THE ARLINGTON PUBLIC SCHOOLS

(this is the draft of a proposal that will be submitted for funding under the Emergency School Assistance Act)

There will be 26 elementary schools in Arlington in 1971-72. An enrollment of 11,233 pupils is anticipated and of this number 1250 are Negroes. Langston School was eliminated as a 1-6 elementary attendance center in 1967-68. Hoffman-Boston and Drew will be eliminated as 1-6 elementary attendance centers in 1971-72.

These statistics show that we are leaving the middle stages of desegregation and entering the final stage of integration. The goal of the citizens committee, appointed by the Arlington County School Board in June, 1964, was stated as follows: "...In its broadest sense, the aim of public education will be realized only when equality of opportunity for a fine education is made available to all of our citizens. To accomplish this, we must provide an educationally sound program, with facilities needing no apology. Nor should these facilities be subject to challenge because they are unequal. Our aspirations are within the grasp of our community."[1] "This realized goal is not accomplished so long as

(1) certain children are artifically segregated by race because they live within school districts whose boundaries were at some previous time fixed to preserve segregation

(2) certain children are required by virtue of their residence to attend schools that do not meet the standards for the best education that can be given today..."[2]

When a school moves from segregation to integration, the reassignment of pupils and teachers is merely the first step, prejudice and discrimination continue and sometimes increase within the schools. These latter conditions sometimes are accentuated by differing value systems of pupils, and the reflection of home and community feelings by pupils, teachers, and other

professional staff members. The following quotation from a report on Research Conference on Education and Cultural Deprivation held at the University of Chicago describes one of the major dilemmas that can arise from integration when just the shifting of pupils and teachers is done: "Within the school itself the poor relationship between teachers and pupils, the use of tests for purposes of classification rather than diagnosis, the primers and readers, and the curriculum as a whole soon damage severly the confidence and the basic self-esteem of the child from low socio-economic groups. Finally, his subordinate place in the schools, as in society, tends to weaken his self-esteem. This self-depreciation is typical of all low-status groups and is the result of their being stigmatized in most relationships with dominant groups, including teachers."[3]

Further implications for schools are pointed out in the same report: "It is when the negative attitudes and feelings of individuals are translated into institutional practices (school, social welfare agencies, churches, police and courts, business and industry) that the Negro (or any other group) most despairs. Under these conditions there can be no hope or optimism about the future and little incentive to work for distant goals.

"We do not regard the school as the agency for the solution of the social ills of a society. However, we do regard the schools as providing a setting in which all can learn under as nearly ideal conditions as possible. Furthermore, the school is responsible not only for the learning of subject matter and intellectual skills, but also for the learning of basic attitudes and values.

"There is considerable evidence that teachers (both white and Negro) respond differentially to white and Negro children as well as to children of different social classes. We regard such differential treatment as harmful to the learning of the child as well as harmful to his own self-perception."[4]

Project Title

Program for Facilitating Integration
in the Arlington Public Schools

Statement of the Problem

A proposal to complete the effective integration of the elementary school pupils of Arlington Public Schools has been designed by the Arlington County School Board. Statictics from a report prepared by Mr. John Palmer indicate the following:

Elem. School	Est. Total Enr. 1971-72	Negro Pupils: Number Negroes Now	Negro Pupils: Add From Drew&H.B.	Negro Pupils: Total Negro 71-72	Est. New Total Enr. 71-72	Capacity	Per-cent Negro	Percent Over Capacity
Abingdon	470	11	52	63	522	675	12.1	-
Ashlawn	358	14	30	44	388	385	11.3	1
Barcroft	314	3	39	42	353	350	11.9	1
Barrett	410	3	0	3	410	375	0.7	9*
Claremont	408	5	49	54	457	450	11.8	-
Clay-Fillmore	300	6	27	33	327	325	10.1	2
Custis	253	0	34	34	287	300	11.8	1
Drew	590	-	-	-	0			
Fairlington	309	8	32	40	341	350	11.7	-
Ft. Myer	277	50	0	50	277	425	18.1	-
Geo. Mason	69	12	0	12	69	70	17.4	-
Glebe	421	89	0	89	421	500	21.1	-
Glencarlyn	439	35	7	42	446	425	9.4	5
Henry	553	100	0	100	553	632	18.1	-
Hoff.-Bost.	114	-	-	-	0	-		
Jackson	408	2	12	14	420	400	3.3	5
Jamestown	489	0	66	66	555	575	11.9	-
Key	666	13	11	24	677	645	3.5	5
Madison	263	0	36	36	299	325	12.0	-
Maury	156	3	17	20	173	175	11.6	-
McKinley	323	13	30	43	353	425	12.2	-
Nottingham	496	2	28	30	524	500	5.7	5
Nat'l Orth.	5	-	-	0	5			
Oakridge	519	29	37	66	556	705	11.9	-
Page	326	2	42	44	368	425	12.0	-
Randolph	435	8	46	54	481	475	11.2	1
Reed	510	77	0	77	510	550	15.1	-
Taylor	586	59	10	69	596	650	11.6	-
Tuckahoe	465	2	58	60	523	500	11.5	5
Woodmont	301	0	41	41	342	450	12.0	-
Totals	11,233	546	704	1,250	11,233		11.1	

* note that additional students have not been added to this building.

Arlington, a southern suburban community, is undergoing and will continue to undergo changes in its school system as a result of desegregation. The schools are faced with the problem of the integration of a small percentage, approximately 10% of our students who are Negro into previously all-white schools. The Negro community's social-economic level is significantly lower than the large majority of white families in Arlington, test scores indicate the academic achievement level is lower, and some parental and adult attitudes regarding integration are negative. We need to develop a more effective educational program for all pupils as a result of integration.

In addition to developing a desegregation plan that will effectively eliminate all physical vestiges of a dual structure, there are other factors that are equally important in the process and must be given due consideration if true equality of educational opportunity is to be a reality.

One of these is the human aspect of "moving kids and teachers around." Care should be taken by school officials to avoid having students and teachers approach complete desegregation without adequate preparation. Students who are to change schools and students previously assigned to schools should be counseled concerning their anxieties and/or expectations. Every effort should be made to uncover potentially difficult situations as well as special problems of students. Planning should be done in advance to ensure that students who move to other schools make a smooth transition from their former co-curricular, as well as academic activities into similar new ones. Teachers should be introduced to their new faculties and buildings prior to permanent assignment. Interaction through in-service meetings, faculty teas or other ways should be encouraged. Non-instructional personnel should also be prepared for the change, according to their functions in the system, e.g., lunchroom workers should understand ways of being helpful to all who pass through lunch lines, regardless of race.

Lower academic achievement by Negro pupils who have attended or are attending all-negro schools presents an additional problem. An analysis of scores on standardized achievement tests and group intelligence tests clearly shows that the median scores of pupils attending all-Negro schools in Arlington are significantly lower than the median scores for the county. This is interpreted as an indication of lower academic achievement. Therefore, not only to help improve the Negro students' self-image, but also to provide him with a more appropriate curriculum, we must provide teachers with the opportunity to develop new approaches for creating a more effective learning environment. The following scores indicate the differences between pupils' achievement attending all-Negro schools and those for the rest of the County. In the case of intelligence scores, no other school has a median score of under one hundred.

California Test of Mental Maturity - Fall Testing.

1964 - Grade 3

	L-IQ	NL-IQ	Tot-IQ
County-Wide	112	109	113
Drew	98	95	96
Hoff-Bost.	97	96	96
Grade 6			
County-Wide	NA	NA	111
Drew	NA	NA	85
Hoff-Bost	NA	NA	87

1970 - Grade 3

	L-IQ	NL-IQ	Tot.IQ
County-Wide	104	105	105
Drew	90	98	93
Hoff-Bost.	98	100	99
Grade 6			
County-Wide	108	108	109
Drew	91	98	93
Hoff-Bost	87	89	87

California Achievement Tests - 1964-Fall Testing

Grade 4 Grade Equivalents

Area tested	County	Drew	H-B
Read. Voc.	4.9	3.9	4.3
" Comp.	4.7	3.7	3.8
Grade 6			
Read. Voc.	6.6	4.9	5.3
Read. Comp.	7.0	5.3	5.4

Calif. Ach. Tests. Basic Skills 1970 Fall Testing

Grade 4 Grade Equivalents

	County	Drew	Hoff-Bost.
Read. Voc.	4.4	3.1	3.1
" Comp.	4.2	3.1	2.9
Grade 6			
Read. Voc.	6.9	4.6	4.7
Read. Comp.	7.1	4.2	4.4

School desegregation lends itself very well to educational innovation. In fact, it is often easier to accept desegregation if it is accompanied by positive change in the educational structure. Equally important is the chance to modify curriculum to meet the needs of a more heterogeneous social and economic student population.

Methods such as team-teaching, flexible grouping and individualized instruction have proven to be positive companions of the desegregation process and could be introduced as a part of it.

Reassignment of staff on a desegregated basis should prove to be very profitable to the system if care is taken to place each person where he can best exercise his skills, regardless of race. In-service training programs focused on preparing staff for desegregation are a great aid in making the whole desegregation process a smooth one.

OBJECTIVES

The desegregation of students and faculties is viewed in Arlington as an important movement in providing equal educational opportunity for all of the children and youth of our community. The changes necessary to accomplish desegregation involve considerable adjustment in the pattern of student and staff assignments. These changes in student and staff assignment patterns must be accompanied by a determined and thoughtful examination of the implication of these changes for continued student and staff development. The physical movement of students and staff must coincide with an intellectual and emotional awareness of the opportunities for creating more effective learning situations that are being made possible by these new assignments. Robert B. Knapp's comment "thus, the urban public school, to serve fully its integrative purpose, will have to become a truly 'common school,' common to all races. And since various forms of discrimination and 'social segregation' may still continue within an integrated school, it becomes imperative that schools with racially mixed groups undertake a continuing self-study to make sure that all educational experiences afforded in school are equally open to all, in spirit as well as by official policy..." is especially appropriate in this context.

The specific objectives to be accomplished are:

To prepare the school personnel at the elementary level who are directly involved in desegregation including principals, teachers, custodians, cafeteria workers, secretaries and other supporting services personnel. Some of this preparation must be done immediately; continuing attention, however, will be necessary during the next school year.

Consultants with knowledge in the areas of human relations will be utilized in working with us in this phase of the program.

to train individuals from our school system to become Personnel Specialists for Effective Learning Programs who can work with all of the school personnel during the ensuing years when desegregation will have its greatest impact upon our system. This work will involve not only those staff members in the schools being affected for the first time this year, but also those who have recently faced desegregation and have not been provided the opportunity to examine their assumptions, their practices, their informational background, or their feelings.

To develop plans for the involvement of parents from the Drew and Hoffman-Boston districts in the work of the schools to which their children will be assigned.

To design programs and activities which provide for the interaction and cooperation among the students to be integrated and the students whose schools will be affected by the influx of black children.

To devise practical ways and means to insure face-to-face contacts between the black parents and teachers to whom their children have been assigned.

The final objective will be one of much longer duration than the previous. We hope to utilize our specialists in addition to outside consultants, to effect change on the part of all staff members over the next three to five years. This will be accomplished by continual inservice which is described in our section on Procedures.

It is our conviction that these experiences will enable our staff to grow in their ability to work in understanding and competence with individual students of widely varying ethnic and social differences. It is our intent to utilize the new staff perceptions and insights generated during this process to plan for and conduct educational programs which recognize the needs of our students and the demands which they will face in a society of increasing complexity.

PROCEDURES

Our program is organized in six phases: Staff In-service Training, Intensive Training of Personnel Specialists for Effective Learning Programs in Integrated Schools, Parent Involvement, Student Interaction, Parent-Teacher Interfacing, and an Extensive Program for Continual Staff Development and Effective Curriculum Changes.

I. Staff In-Service Training

(a) Type of Program: A series of 20 sessions for teachers, guidance counselors, nurses, psychologists, visiting teachers, administrators and school secretaries who are receiving significant numbers of Negro pupils for the first time; Negro school personnel who are going into white schools for the first time; and personnel who are presently in their first year of working in integrated schools.

(b) Program Content: The programs will be designed to: effect change in attitudes on the parts of participants relating to racial relations; to raise discussions and offer possible solutions to concerns on the parts of individuals relating to integration; questions raised regarding integration of public schools and discussions of the need for creating new teaching methods for pupils who are academically disadvantaged.

Discussions will involve areas of concern such as the following:

(1) The community racial conditions and needs such as economic, health,etc.

(2) Integration as a continuing achievement, rather than a state of being

(3) Value systems associated with sub-cultural groups within our society, i.e., ethnic, economic, regional, etc.

(4) Conflicts that might arise within the schools as a result of integration and ways of dealing with them

(5) Misconceptions surrounding the influence of heredity

(6) The structure of human personality and conditions for its growth

(7) Plans that will provide for continual change

(8) Plans for providing pleasant experiences that all students may share

(9) Plans for providing opportunities that will build identification to the school on the part of members of minority groups.

(10) Plans, that are not perceived as charity, that will enable students from low income families to participate in activities involving personal expense beyond their means

(11) Establishing relations that will lead to creative solutions rather than defensive reactions to difficulties that will arise

(12) Plans to involve student leaders in effecting positive change on the part of all students.

(c) Methods: Lectures to the group by our consultant; panels consisting of principals in the schools receiving Negro pupils and teachers next year; teachers presently working in an integrated school; viewing films; and group discussions of concerns raised by participants.

(d) Frequency and Duration of Training Sessions: Our program consists of 20 two-hour sessions held weekly, conducted after school from 3:30 p.m. to 5:30 p.m. These sessions will begin on Monday, September 13 and will conclude on Monday, May 29, 1972.

(e) Evaluation: At our last session we will conduct an evaluation to determine the effectiveness of the program and develop guidelines for ensuing phases of the program.

II. Intensive Training of Personnel Specialists for Effective Learning Programs in Integrated Schools

(a) Type of Program: An intensive training program designed to develop specialists in dealing with race integration and all of its ramifications; i.e., interpersonal relations, curriculum needs, human relations and group dynamics. These individuals will be selected from personnel presently employed in the school system. This training will be conducted by a coordinator and social psychologist who we will employ as the administrators of our five-year program designed to facilitate integration.

(b) Program Content: This phase of the program will be designed along the classical graduate seminar method. The specialists will be expected to do individual research on specific phases relating to integration; participate in field trips to obtain greater knowledge of the community; hear outstanding consultants knowledgeable in education and human relations relating to integration; view films and participate in seminar discussions in depth which are designed to broaden the individual's ability to cope with ideas and educational concepts designed to improve the learning environment.

(c) Methods: Intensive study as outlined in Type of Program; the coordinator and social psychologist will incorporate specific methods as the program develops.

(d) Frequency and Duration of Training Sessions: This program will be conducted during the Fall Semester of 1971, through a local university. Meetings will be arranged weekly for a period of 2-1/2 hours each.

(e) Evaluation: One of the duties of the social psychologist will be to develop procedures for evaluating not only this phase of the program but the entire program. Due to the length of the proposed program, realistic evaluation cannot be performed until at least one year has elapsed.

(f) Dissemination: The major purpose of this phase is to train specialists who will in turn work with other school personnel in conducting continual programs in individual schools, countywide, or with individual teachers in an effort to not only change attitudes but develop more effective methods of presenting the curriculum to Negro pupils. Therefore, dissemination of the knowledge acquired by the specialist is the primary purpose of this phase of the program.

III. Parent Involvement

(a) Type of Program: A series of meetings for parents, principals, counselors, psychologists, visiting teachers, and other school administrators will be arranged in the Drew and Hoffman-Boston areas as well as at the schools serving the children affected by integration.

(b) Program Content: The program will be designed to: familiarize parents with the academic and extra-curricular programs of the school; help both black and white parents understand desegregation imposed tasks; elicit parent cooperation; raise discussion and seek solutions to parental concerns regarding the integration of the

schools and other matters; seek parental guidance and support in coping with the learning disabilities of disadvantaged students.

(c) Methods: Individual school principals supported by central office staff, counselors, teachers, and psychologists will meet with parents whose children they serve and will: conduct panel discussions on academic, social and economic issues; present slide-lecture programs to groups of parents; conduct question-answer sessions; provide opportunities for parents to suggest inputs into the total school program.

(d) Frequency and Duration of Sessions: Two meetings per school per month with parents from the Drew and Hoffman-Boston areas will be conducted in the evenings during the months of September through January. Each meeting will last a minimum of two and one-half hours. Beginning in February, 1972, one meeting per month will be conducted with these parents, Parents from other school areas will also be involved.

(e) Evaluation: Feedback mechanisms including the use of questionnaires and surveys will be utilized to determine periodically the success of the program.

(f) Dissemination: Individual school publications and reports will be distributed to parents of children being served. In addition, results of the questionnaires and surveys compiled on a county-wide basis will be disseminated to all county agencies, parents, and interested community organizations.

IV. Student-Student Interfacing

(a) Type of Program: The class meeting concept as developed by Dr. William Glasser would be incorporated into each school program.

The psychiatric version of the three R's as defined in Glasser's concepts are (1) reality, (2) responsibility, and (3) right-and-wrong. The human relations interaction process is well defined and lends itself to the student-student interfacing to solve both personal and mutual problems of the students.

(b) Program Content: The learning of responsibility comes through involvements with fellow students, responsible teachers and other staff members and parents. The reality concept is based on the factor that a person who has been unable to fulfill his needs, no matter what behavior patterns he displays, has the characteristic of denying the reality of the world around him. The success of those who work until this person is dependent upon their ability to convince the student to give up denying the world and to recognize that reality not only exists but that he must fulfill his needs within the structure of reality. The third "R", right-and-wrong, is not as easily defined because it may not always be clear what is right and what is wrong. Glasser points out that for an individual to feel worthwhile he must maintain a satisfactory standard of behavior. He must learn to correct himself when he is wrong and to credit himself when he is right. He must be able to evaluate his own behavior and having evaluated it, improve his conduct where it is below standard. Morals, standards, values, or right-and-wrong behavior are all intimately related to fulfillment of one's needs for self-worth.

(c) Methods: The class meeting concept used by Glasser would be the vehicle for establishing both personal and group interactions on a positive scale. The class meeting implements the reality therapy concept in five basic steps. These steps are:

(1) become involved

(2) deal with present behavior

(3) get the individual or group to make a value judgement

(4) formulate a plan for change, and

(5) get the individual or group to make a commitment to change.

There is, of course, a necessity for an adroit, responsible adult to conduct and guide the class meetings. Generally this is the classroom teacher but other members of the school staff or the community could be involved.

(d) Frequency and Duration of Sessions: There should be at least weekly class meetings extending through the school year but no definitive time level should be set. In many cases there could be daily sessions lasting from a few minutes to an hour each.

(e) Evaluation: Questionnaires regarding the effectiveness of the techniques and the concept will be designed and utilized. Frequency measures of specific racial problems will also be maintained.

(f) Dissemination: Results of the survey will be compiled and distributed to parents and school system personnel.

V. Parent-Teacher Interfacing

(a) Type of Program: Weekly work sessions involving the teachers and parents of children integrated into the elementary schools from the Drew and Hoffman-Boston areas will be arranged by the individual school principals supported by central office personnel. Teachers will be paid a supplemental salary stipend of $5.00 per hour for participating in work sessions extending beyond the normal working day.

(b) Program Content: Parent-Teacher Work Sessions will provide an opportunity for parents to meet with their child's teacher(s) in small group conferences to discuss individual problems of adjustment and academic progress. Frequent parent-teacher contacts hopefully will result in better communication between home and school. Teachers will visit the homes of parents who are reluctant or unable to come to the school. Open invitations for parent visitation and observation must be extended to develop feelings of mutual trust and concern.

(c) Methods: A variety of means should be used to achieve parent-teacher contacts including sessions held at the school before school hours, sessions held after school in the afternoon, sessions conducted at the Drew and Hoffman-Boston buildings in the evening, and home visits by the teacher at hours convenient to the parent.

(d) Frequency and Duration of Sessions: The weekly meetings extending through the school year should last a minimum of one hour each.

(e) Evaluation: Questionnaires regarding the effectiveness of frequent parent-teacher contacts will be designed and utilized.

(f) Dissemination: Results of survey will be compiled and distributed to parents and school system personnel.

VI. Extensive Program for Continual Staff Development and Effective Curriculum Change

(a) Type of Program: A three year in-service program for school personnel, i.e., teachers, supervisors, administrators and secretarial employees. The coordinators will administer the program utilizing the services of the personnel specialists, the head consultant, and other out-of-county consultants. In addition, extension courses will be arranged with a local university to enable teachers to pursue individual interests.

(b) Program Content: Programs will be designed to include all school faculties, teachers in academic departments, individual personnel or individuals from a cross section of the entire county.

The development of more effective educational programs, tailored to the needs of low-achieving Negro pupils, will be one skill or goal of the entire in-service program.

More effective solutions in interpersonal problems that might arise between students or teachers and students is also a goal. Effective solutions to problems of academic deficiency or of an interpersonal nature as a result of desegregation are the two primary goals of this program.

(c) Methods: The services of the coordinators, psychologists, personnel specialists, and consultants will be utilized in conducting workshops, classroom instruction, seminars, and other methods of instruction that will develop as the program evolves.

More effective instructional programs will be developed in specific subject areas by departmental staffs working with consultants and our specialists and curriculum supervisors. School staffs will be encouraged to design new approaches to grouping and instruction for low-achieving pupils.

(d) Frequency and Duration of Training Sessions: This three year program will be conducted primarily during the regular school year. These sessions will be scheduled after school hours or on Saturdays. The coordinators will be available during the summer months to work with curriculum committees of teachers and supervisors.

(e) Evaluation: The coordinators will be responsible for evaluation of methods and procedures.

(f) Dissemination: This will be accomplished by the in-service programs which will eventually involve a large majority of the teachers, supervisors, and administrators. Other methods, such as publications and evaluation reports will be developed by the coordinators.

Selection of Participants

The selection of Personnel Specialists for Effective Learning Programs will be done by the Assistant Superintendent for Personnel, head consultant, Associate Superintendent for Instruction, and the Directors of Elementary, Secondary, and General Programs. The specialists to be trained in 1971-72 will be selected from the teaching, administrative, and counseling staffs of the schools most affected by integration.

We intend to identify members of the teaching and counseling staffs who have indicated an interest in improving instruction for children, have exhibited evidence of leadership (such as being faculty representatives to the county-wide committees or who have served on special projects), and are knowledgeable of the community and school system as participants in the in-service program.

Participants in future in-service programs will be selected by principals, program coordinators, and personnel cited above. It is highly probable that entire school faculties will constitute the majority of participants in this phase of the program.

Facilities

All training sessions, meetings, and activities involving parents and students will be conducted in Arlington Public School facilities.

All facilities needed for extensive in-service will be available in school buildings including classrooms, libraries, conference rooms, etc.

Materials and Equipment

Equipment such as mimeograph machines, ditto machines, typewriters, audio-visual machines and other training devices are available in the school system.

Materials in the form of paper, overlays, film, transparencies, etc. will need to be purchased.

Special Administrative and Service Requirements

Program direction and support will be provided by the Arlington County Public Schools, by the Superintendent and Associate Superintendent and their staffs. Liaison and communication with community agencies will be provided through the School Board Advisory Council on Curriculum, the County Council of PTA's, the Arlington Community Action Program, school staff, etc.

Staff Personnel

The program described will be coordinated by staff personnel presently employed in the school system and by a social psychologist to be hired. These persons will work directly under the Associate Superintendent for Instruction.

A head consultant and several additional consultants must be employed to provide stimulus and new approaches aimed at solving problems engendered by desegregation.

Social Psychologist

Distinguishing Features of Work:

The social psychologist will serve as associate to the coordinator in the development and coordination of this project. He will be responsible for establishing and conducting an evaluation of the program. This person will conduct workshops and seminars for teachers, administrators, parents, and community groups. He will be available to teachers to help them with problems arising from the integration of students.

Qualification Requirements:

(1) A graduate degree from an accredited college in either social psychology, psychology, or sociology.

(2) At least five years of professional experience, some of which includes field work related to integration.

(3) Ability to speak and write effectively.

(4) Ability to establish and maintain effective working relations with associates, subordinates, and community groups.

FOOTNOTES

1. Arlington County School Board, 1965. "Report of Advisory Committee on Criteria for Defining School Attendance Areas," pp. 8-9.

2. Ibid., pp. 2-9.

3. Benjamin S. Bloom, Allison Davis, and Robert Hess, Compensatory Education for Cultural Deprivation, (Department of Education, University of Chicago, 1964), p. 21.

4. Ibid.

Proposed Budget 1971-72

200 Instruction	
Salary Social Psychologist	$18,000.00
Consultants Honoraria One chief consultant and three other consultants - 3 days per month @ $100 per day for 10 months.	3,000.00
Teacher supplemental salary stipend for work beyond normal day 400 teachers X 2 hrs. per week X 36 weeks @ $5.00 per hour	144,000.00
In-service Training of teachers in Use of Glasser Methods 400 teachers X 6 hrs. @ $5.00 per hour	12,000.00
Materials and Supplies	1,000.00
Travel A. Consultants (1000) B. Social Psychologist (500)	1,500.00
800 Fixed Charges	
F.I.C.A., Hospitalization, Retirement	1,980.00
Total	180,700.00

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United States Court of Appeals

FOR THE FOURTH CIRCUIT

No. 71-1791

JOHN K. HART, ET AL.,

Appellants,

v.

COUNTY SCHOOL BOARD OF ARLINGTON COUNTY, ET AL.,

Appellees.

Appeal from the United States District Court for the Eastern District of Virginia at Alexandria

BRIEF FOR APPELLEES

ISSUE PRESENTED FOR REVIEW

The sole issue presented for review in this case is whether or not the desegregation plan adopted by the Arlington County School Board and put into effect in September, 1971, is constitutionally valid.

STATEMENT OF THE CASE

On May 6, 1970, plaintiffs initiated this action to complete the elimination of racial segregation in the public schools of Arlington County (App. 5).[1] An answer on behalf

[1] All references App. are to pages in the printed appendix.

of the County School Board of Arlington County and the Division Superintendent of Schools of Arlington County was timely filed (App. 8-9), and discovery procedures involving interrogatories to defendants and requests for the production of documents were thereafter initiated by the plaintiffs (App. 1).

On March 5, 1971, a pre-trial conference was held, at which time a hearing on the merits was scheduled for July 26, 1971 (R. 70).[2] The hearing in this case was deliberately postponed by the District Court to await the decision of the United States Supreme Court in *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, and its companion cases (App. 10).

On June 28, 1971, the Arlington County School Board adopted and filed in the District Court its plan for the establishment of a unitary school system throughout the county, which plan was to be put into effect in September, 1971 (App. 19-23). On the morning of the hearing, plaintiffs amended their complaint to state their objections to the plan (App. 6-7, 11), which objections were subsequently overruled and the school board's plan approved by the District Court in its memorandum opinion and order of August 10, 1971 (App. 10-15). See, 329 F. Supp. 953.

On August 12, 1971, plaintiffs filed in the District Court their notice of appeal (R. 67) and on August 20, 1971 also filed an application for injunction pending appeal which was denied by the District Court the same day. Thereafter, plaintiffs filed a similar application in this Court, which application was denied on September 3, 1971. See, Record in No. 71-1792 (4 Cir., 1971). A further such application was presented to the Chief Justice of the United States, as Circuit Justice for the Fourth Circuit, and denied by him on September 1, 1971. See, No. A 262, 1971 Term.

[2] The Transcript Record to page [illegible] in the record.

STATEMENT OF THE FACTS

The Arlington County School Division embraces the entire county of Arlington and has an area of 25.7 square miles. It is less than one-half the size of the City of Richmond which has an area of 63 square miles, and less than one-tenth the size of the adjacent county of Fairfax which has an area of 402 square miles (App. 41).

For the school year 1971-72, the total elementary school population of the Division was estimated to be 11,233 students, of which number 9,983 were white and 1,250 were Negro. Thus the racial ratio in the elementary schools was 89% white and 11% black (App. 15, 22), which ratio is substantially identical to that for the preceding years. See, Answers to Interrogatories (R. 19).

At the beginning of the 1969-70 school year, the high schools and junior high schools of the county had been desegregated, while the elementary schools were being operated on the basis of geographic attendance zones established for each school. Under this arrangement, two of the twenty-nine elementary schools in the system--Drew and Hoffman-Boston--were attended solely by Negro students, as the geographical boundaries of those schools encompassed all-Negro residential areas, while eleven of the twenty-nine were attended by all, or virtually all, white students (App. 15, 35, 42). The Hoffman-Boston school also housed seventh grade students, of which some 70% were white students bussed in from other districts in the county (App. 42). On December 18, 1969, the school board adopted a resolution directing the Division Superintendent and his staff to prepare a staff study of the various alternatives available for desegregating the Drew Elementary School (App. 29-30). This resolution suggested consultation with appropriate federal agencies, a step which had already been taken by the Division Superin-

tendent who (1) had discussed the matter generally with representatives of the Department of Health, Education and Welfare (HEW) earlier in the month (2) had caused data requested by HEW to be compiled by his staff and submitted and (3) was awaiting return of specific suggestions from HEW for consideration by his staff and the school board (App. 43). In the interim, the Division Superintendent directed his research department to begin its own study of the problem in line with the school board's resolution (App. 43).

No response was ever received from HEW, and shortly after the research department had assembled its own data and begun a consideration of alternatives, the instant suit was filed (App. 44). Thereafter, the school board was advised of the pendency of the *Charlotte-Mecklenburg* litigation which would in all probability shed light on the problem the board was considering, and the board decided to await the outcome of that litigation before determining the method of desegregating Drew Elementary School (App. 41). No attempt was made by the plaintiffs to seek a hearing of this matter for the 1970-71 school year.

On April 20, 1971, the *Swann* case was decided. Thereafter the school board and its staff returned to a consideration of the Drew school situation, but this time did so in the larger context of establishing a unitary school system throughout the county in compliance with *Swann* (App. 44). On June 10, 1971, while these deliberations were going on, this Court decided a series of cases under the style of *Adams* v. *School District No. 5, Orangeburg Co., S.C.*, 444 F.2d 99, specifically emphasizing for district courts and school boards various aspects of *Swann* and *Davis* v. *Board of School Commissioners of Mobile County*, 401 U.S. 33. Some two weeks after *Adams*, the school board adopted and

filed in the District Court its plan for the operation of a unitary system in Arlington County (App. 19).

As stated by the Division Superintendent, the purposes of the school board's plan were "first of all, primarily to eliminate all vestiges of a dual system, to move to establish a true unitary system throughout the county, to provide and to establish racial balanced schools, and I think, then, to get on with the primary purpose of the school system which is the education of young people." (App. 40). These objectives would be accomplished by converting both the Drew and Hoffman-Boston schools to specialized pre-kindergarten and kindergarten facilities. In addition, the Drew school would also house an experimental model elementary school to be conducted on an integrated basis and utilizing imaginative new approaches to elementary education, as well as for adult education and other school programs. The Hoffman-Boston school would also be utilized, as in previous years, for the integrated seventh grade of the Thomas Jefferson Junior High School (App. 10, 19-20). Former Drew and Hoffman-Boston students in grades one through six would be assigned to other elementary schools in the county in accordance with the following criteria (App. 21):

> A. The added students would not cause the receiving school to have an enrollment exceeding its established rated capacity by more than 5%,
>
> B. The ratio of black to white pupils in each school would be as close to 11% as practical, within a range of 7% to 15%, with the exception of four elementary schools whose current enrollment already exceeded 15% (i.e. 18% to 22%).
>
> C. Family groupings would be taken into account in assignments to a particular school, so that family units would not be broken up.
>
> D. Transportation would be provided as needed.

Under the school board's plan, all one-race schools in Arlington County are eliminated—there remain no one-race white schools and no one-race black schools. Moreover, students advancing from an elementary school will attend the junior high school serving that elementary school and, in turn, will advance to the high school serving that particular junior high school (App. 20, 24). This feeder system insures that for the 1971-72 school year, and for every school year thereafter, every child in Arlington county will receive his elementary and secondary education in an integrated facility (App. 39-40). In addition, nineteen of the twenty-three elementary schools affected by the plan will have racial ratios which fall within the 7% to 15% range established by the board as a target deviation from the 11% racial ratio of the system as a whole (App. 15, 22). Indeed, seventeen of these nineteen schools fall within one percent of the 11% racial ratio in the system as a whole (App. 15). Finally, faculty desegregation is achieved by establishing a ratio in each school as close to the ratio of black to white teachers in the school system as a whole, as is practical (App. 25). In no case is there more than a 4% deviation from the system wide ratio (App. 25).

The longest bus ride (in terms of lapsed time) for the former Drew and Hoffman-Boston pupils is 29 minutes, while the average bus ride for such children is 22 minutes (App. 12, 40-41). Similarly, the average bus ride for elementary children in the system as a whole is also 22 minutes (App. 41). The additional transportation costs involved in the school board's plan is approximately $11,000 per year. Adoption of an alternate plan to achieve the same degree of integration would involve busing 90% of the Drew and Hoffman-Boston students to other schools and replacing them with an equivalent number of white students from other schools and would entail an initial cost of $130,000

and an additional cost of $130,000 per year thereafter for transportation. Thirteen new buses, plus drivers, would be required for such an alternative "90% out 90% in" plan (App. 12, 45-48). See also, Brief for the Appellants, p. 17. No alternate plan submitted by the plaintiffs would eliminate all one-race schools in the county, nor achieve as much actual desegregation as the school board's plan (App. 50, 64).

ARGUMENT

The Desegregation Plan Adopted And Put Into Effect By The Arlington County School Board Is Constitutionally Valid.

Plaintiffs in the case at bar are Negro children who had been assigned to the Drew Elementary School when this suit was instituted and the parents or guardians of such children. Asserting that all, or virtually all, of the pupils assigned to the Drew Elementary School were Negroes, plaintiffs alleged that the Arlington County School Board had failed to adopt and execute a plan "to *completely convert* said public school system to a *unitary non-racial system*." (App. 4). (Emphasis supplied.) They sought an order from the District Court requiring the defendant school board "to adopt and forthwith implement" such a plan (App. 5).

Even before this suit was filed, the school board had been aware of the Drew situation and had, by formal resolution, directed a staff study to be made of various alternatives for desegregating the Drew School. This resolution, however, did not specifically embrace the Hoffman-Boston Elementary School, the only other all-Negro school in the county, nor did it envision the desegregation of the eleven all-white, or virtually all-white, elementary schools in the county school system.

After the study contemplated by the resolution had been initiated and prior to the date set by the District Court

hearing of this matter (July 26, 1971), the Supreme Court decided the *Swann* and *Davis* cases, *supra*, (April 20, 1971), and this Court decided the *Adams* cases, *supra*, (June 10, 1971). Because of the existence of *Adams*, no independent analysis need now be made of *Swann* and *Davis*, nor of their progenitors, *Brown*, *Green* and *Alexander*.[3] In *Adams*, this Court remanded a series of school desegregation cases to their respective district courts with instructions to receive from the various school boards "new plans" which would give effect to *Swann* and *Davis*. *Id.*, at 100. During the course of its opinion, this Court spelled out what is now required of district courts and school authorities in the following explicit language (444 F. 2d at 100-101):

> "It is now clear, we think, that in school systems that have previously been operated separately as to the races by reason of state action, "the district judge or *school authorities should make every effort to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation.*" Davis, supra at ...., 91 S.Ct. at 1292. We remand these cases because the respective district judges did not have the benefit of the Supreme Court mandate that *adequate consideration be given "to the possible use of bus transportation and split zoning.*" Davis, supra at ....., 91 S.Ct. at 1292. Wherever schools are "all or predominately of one race in a district of mixed population (there will be required) close scrutiny to determine that school assignments are not part of state-enforced segregation." Swann, supra at ....., 91 S.Ct. at 1281. Although the existence of "some small number of one-race, or virtually one-race, schools within a district is not in and of itself the mark of a system which still

[3] *Brown v. Board of Education*, 347 U.S. 483 (1954) 349 U.S. 294 (1955); *Green v. County School Board of New Kent County*, 391 U.S. 430 (1968); *Alexander v. Holmes County Board of Education*, 396 U.S. 19 (1969).

> practices segregation by law," Swann, supra at ....., 91 S.Ct. at 1281, *both the school authority and the district judge must nevertheless be concerned with the elimination of one-race schools.*
>
> * * *
>
> The school authorities and the district court should consider the use of all techniques for desegregation, including pairing or grouping of schools, *noncontiguous attendance zones*, restructuring of grade levels, *and the transportation of pupils.*" (Italics supplied.)

Emphasizing the imperative nature of the commands italicized above was (1) the specific authorization conferred upon district courts to employ independent educational experts at the expense of any local school board which submitted a plan that did not comply "with the directions set forth in this opinion . . ." and (2) the requirement that any district court which approved a plan achieving less actual desegregation than would be achieved under an alternative plan must find facts that made impracticable the achieving of a greater degree of integration *"especially if there remain any schools all or predominantly of one race." Id.*, at 101. (Emphasis supplied.)

With the prescriptions of *Swann* and *Davis* thus focused in the commands of *Adams*, it was obvious that any plan for the establishment of a unitary school system in Arlington County which contemplated the desegregation of Drew School only and which left another elementary school with an all-Negro student body and eleven other elementary schools with all-white, or virtually all-white, student bodies — could not possibly survive judicial appraisal. If a unitary system was to be established, all of the elementary schools comprising that system would have to be considered and desegregated if reasonably possible. Contrary to appellees'

assertion, this was not a "self-imposed objective" of the defendant school board; it was a judicially imposed imperative. See, Brief for the Appellants, p. 16. The command that the Arlington County School Board must "be concerned with the elimination of one-race schools" could hardly be complied with merely by passing a resolution expressing such concern and taking no other action, especially when the elimination of all one-race schools in the county was not only possible, but feasible. *Adams, supra,* at 101.

In this setting, the school board adopted and submitted to the District Court a plan which (1) achieved the greatest possible degree of actual desegregation, taking into account the practicalities of the situation (2) eliminated all one-race schools, both white and Negro (3) insured that every child in the Arlington school system will receive both his elementary and secondary education in an integrated facility (4) established in substantially all of the elementary schools a student racial ratio which reflects the racial ratio of the system as a whole (5) racially balanced the faculties in each elementary school in the county so that the ratio of white to black faculty members in each school is substantially the same as the ratio of white to black faculty members in the system as a whole and (6) established in Arlington County a unitary school system which has neither "white" schools nor "black" schools—just schools.

Achievement of the above stated objectives in compliance with the prescriptions of *Swann* and *Davis* and the commands of *Adams* was possible in only two ways. One method —that adopted by the school board—entailed the conversion of the Drew and Hoffman-Boston schools from traditional elementary facilities to other educational programs and the establishment within the all-Negro geographic areas of those schools of a series of "satellite" zones by which elementary

pupils formerly assigned to Drew and Hoffman-Boston would be assigned to various all-white, or predominantly white, schools in the county in accordance with criteria which would not only integrate every elementary school in the system, but would indeed racially balance substantially all of such schools. Bus transportation would be provided by the school board for all the pupils thus reassigned, 704 in number, and no such pupil would be required to be bused for as much as one-half hour to reach his newly assigned school. Indeed, since Arlington County is only seven miles long and slightly more than three miles wide, the average bus ride for such children would be the same as that for elementary pupils in the county generally. Care was taken to insure that no family groups would be disturbed by the new plan, and a feeder system was adopted to insure that the racial balance achieved in the elementary schools would be preserved, and even heightened, over the years.

No overcrowding results under the school board's plan, and the additional transportation cost incurred would be approximately $11,000 per year. In addition, the plan enables the school board to utilize the existing Drew and Hoffman-Boston facilities for other innovative and highly desirable educational programs designed to increase the already outstanding excellence of the Arlington school system. In this connection, it should be emphasized that the Drew and Hoffman-Boston schools are *not* being closed or removed from the public school system or converted to administrative or non-educational uses. On the contrary, these facilities have been reprogrammed under the school board's plan to serve exclusively educational functions in the emerging fields of pre-kindergarten instruction for children three and four years of age, model elementary school experimentation in ungraded education and for adult edu-

cation. In this setting, appellants' assertion that the school board's plan must be examined as if the Drew school was being "used to store furniture" is surely wide of the mark. See, Brief for the Appellants, p. 24.

Essentially the school board's plan for establishing a unitary system of elementary schools in Arlington County tracks that utilized for the junior high schools in the Charlotte-Mecklenburg school system in *Swann,* which was subsequently approved by this Court and the Supreme Court. As stated by the Supreme Court (402 U.S., at 9):

> "The Finger plan for the junior high schools employed much of the rezoning plan of the board, combined with the creation of nine "satellite" zones. Under the satellite plan, inner-city Negro students were assigned by attendance zones to nine outlying predominantly white junior high schools, *thereby substantially desegregating every junior high school in the system.*" (Italics supplied.)

In addition, the feeder system aspect of the school board's plan (1) counters the specific objection expressed by this Court in *Felder* v. *Harnett County Board of Education,* 409 F. 2d 1070, 1075 (4 Cir., 1969) that the plan there under consideration did "not eliminate the possibility that whatever feeder system is adopted to effect this transition will not recreate a dual system at the high school level" and (2) further evidences the school board's awareness of, and intent to comply with, the teachings of the decisions of this Court in school desegregation cases.

The only other plan which would achieve the results of the school board's plan and honor the prescriptions of *Swann* and *Davis,* as well as the command of *Adams,* would be one which entailed assigning 90% of the black students in Drew and Hoffman-Boston to other schools in the county

and replacing them with an equal number of white students drawn from the various predominantly white schools in the county. Mathematically, such a plan would require (a) removing 102 of the 114 Negro elementary pupils at Hoffman-Boston, leaving 12 Negro pupils there to be joined by 102 replacement white students from other schools in the county and (b) removing 530 of the 590 Negro elementary pupils at Drew, leaving 60 Negro pupils there to be joined by 530 replacement white students also drawn from other schools throughout the county. Such a plan (1) would substantially double the amount of busing necessary to achieve a unitary system (2) would entail an initial expenditure of $206,000 (including thirteen new buses) for the first year and an expenditure of $130,000 per year thereafter and (3) would, by unnecessarily continuing Drew and Hoffman-Boston as traditional elementary schools, deprive the school board of facilities for its pre-kindergarten, model elementary school and adult education programs.

By contrast to the plans described above, it is manifest at a glance that neither of the plans espoused by the appellants in their brief even remotely approaches compliance with the controlling constitutional requirements. See, Brief for the Appellants, Appendix A. The first of these plans envisions the desegregation of Drew School by pairing or clustering it with five other elementary schools in the vicinity, and is based upon a working paper prepared by the staff of the defendant school board pursuant to the resolution previously mentioned. While the plan effectively desegregates the Drew school, it falls far short of establishing a unitary school system in Arlington County. Under this plan, the elementary portion of the Hoffman-Boston school remains an all-Negro facility, while four other schools in the county (Custis, Jamestown, Madison and Woodmont) re-

main all white, five other schools (Barcroft, Jackson, Nottingham, Page and Tuckahoe) remain 99% white and two schools (Key and Maury) remain 98% white. Thus, twelve of the twenty-nine elementary schools in the county would remain one-race, or virtually one-race, schools under this plan (App. 16, 38-39).

The appellants' suggested plan for the desegregation of Hoffman-Boston is even more inadequate. It is the result of "hasty preparation" by Mr. Richardson, a witness for the plaintiffs, and manifestly represents an effort to bring this case within the scope of *Brice* v. *Landis,* 314 F. Supp. 974 (W.D. Cal. 1969) by attempting to show that a reasonable alternative to the school board's plan exists. It contemplates pairing Hoffman-Boston with three other elementary schools in the vicinity. While effectively desegregating the Hoffman-Boston Elementary School and the previously all-white Custis Elementary School, it makes no provision for the Drew school which would remain all-black, nor for ten of the eleven all-white, or virtually all-white, elementary schools mentioned in the preceding paragraph, which schools would retain their 98-100% white status (App. 17, 62-63).

Moreover, utilization of both of these plans simultaneously would not discharge the school board's obligation to establish a unitary system. Combination of the appellants' suggested plans would indeed eliminate all one-race black schools; however over one-third (ten of twenty-nine) of the county's elementary schools would still remain 98-100% white. And no racial balancing of the county's elementary schools would even be attempted, much less achieved. Obviously, even if combined, the plans which appellants put forth as alternatives to the school board's plan (1) would not achieve a unitary system (2) would not eliminate all one-race,

or virtually one-race, schools (3) would not achieve the greatest possible degree of actual desegregation taking into account the practicalities of the situation and, accordingly, would not honor the prescriptions of *Swann* and *Davis* nor comply with the commands of *Adams.* It is also interesting to note that 1,664 pupils would be bused under these alternative plans which do not meet constitutional standards, while only 704 pupils would be bused under the school board's plan which does meet these standards. If the defendant school board had adopted both of the appellants' suggested alternatives, we submit that it would have been required, as were the various school boards in *Adams,* to prepare a "new" plan which would "give effect to *Swann* and *Davis*" by according adequate consideration to the "use of bus transportation and split zoning." *Adams, supra,* at 100-101.

In light of the legal deficiencies in the appellants' suggested alternatives and the demonstrated drawbacks of the "90% out 90% in" plan, it is difficult to conceive how the plan adopted by the school board can be said to be invidiously discriminatory. In this connection, certain aspects of the case at bar must be emphasized. First, this case does not involve the *closing* of any school, merely the *conversion* of facilities from one type of educational program to another. Second, this case does not involve even a suggestion of "white flight," and neither that term nor that concept was ever mentioned by any party at any point in these proceedings. Third, this case does not involve any reluctance on the part of the school board to assign and bus white children to formerly all-black schools located in all, or predominantly, Negro neighborhoods. On the contrary, the record discloses that a majority (70%) of white students have for years been transported to the formerly all-black Hoffman-Boston

Junior High School (Jefferson Annex) located in that completely Negro residential area (App. 42). See, *Wanner* v. *County School Board of Arlington County,* 357 F. 2d 452, 456 (4 Cir., 1966). Moreover, the plan adopted by the School Board envisioned the enrollment of a majority of white students in the model elementary school to be housed in the converted Drew facility which is located in an all-Negro residential area, and that feature of the school board's plan is even now in effect. See, Brief for the Appellants, p. 7.

Significant in this context, is the decision of this Court in *Chambers* v. *Iredell County Board of Education,* 423 F.2d 613 (4th Cir., 1970). Under consideration in that case was a school desegregation plan in which one school, Unity School, remained all black with 285 students. That facility was to be replaced the following school year by a new school which was then under construction. When completed, the new facility would absorb Unity's 285 black students and some 475 white students from three other schools, at which time the formerly all-black Unity School would be closed. Plaintiffs there alleged that the decision to close Unity was racially motivated "because it arose out of a disinclination to put white pupils into a previously all-black school." *Id.*, at 616. Rejecting this contention, this Court stated (423 F.2d at 616):

> "This contention is not persuasive in light of the fact that the school board has already integrated Amity School, which was previously all-black and is now two-thirds white. There appears to be no pattern of simply closing black schools because they have been black."

Similarly, in the case at bar, the Arlington County School Board long ago integrated the Hoffman-Boston Junior High School "which was previously all-black and is now two-thirds white." We submit that if the closing of an all-black

school is not indicative of racial motivation when a school board has integrated another previously all-black school in the same system, then the mere conversion of a previously all-black school to a different educational program and the enrollment of a majority of white students in that identical facility, coupled with the previous assignment of a majority of white students to another formerly all-black school, cannot be said to be racially motivated.

Even more nearly in point and controlling is the decision of this Court in *Allen* v. *Asheville City Board of Education,* 434 F.2d 902 (4th Cir., 1970). In that case, the Asheville School Board decided that it was necessary to close two formerly all-black elementary schools and one formerly all-white elementary school to achieve racial balance. After plaintiffs objected to the proposed plan on the basis of the closing of the two all-black schools, the school board modified the plan to provide for the continued operation of the formerly all-white school, with the two formerly all-black schools remaining closed. During the course of its opinion, this Court stated the plaintiffs' objection to the plan and the reason therefore in the following language (434 F.2d at 905, 906):

> "Able counsel for plaintiffs are unable to fault the Board's plan other than a complaint with respect to the closing of two previously all-black schools and the impact of their closing, in the context of the rest of the plan, upon black students.
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> * * *
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> "Plaintiffs insist, however, that the school board's true reason for selection is undisclosed and is simply its 'reluctance to send primary grade white children into traditionally all-black schools located in all-black neighborhoods.'"

Rejecting plaintiffs' contention that the Asheville School Board had unfairly discriminated against black students in the closing of the two schools there in question, this Court enunciated the following principles governing such situations (434 F.2d at 905, 906):

> In the first place, we think *the mechanics of integration,* where the purpose is obviously to implement the *Brown II* principle and effectively achieves that end, *is ordinarily a matter within the discretion of school administrators. The question is not whether we might have selected different schools for extinction, nor even whether substantial evidence supports the Board's decision, but is instead whether the Board's decision is so plainly unfair that it clearly amounts to invidious discrimination in violation of the equal protection clause.*
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> * * *
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> . . . Moreover, the situation of which plaintiffs complain cannot possibly be changed except at the cost of increasing the transportation of pupils approximately 40 percent. *This is so because if the two black schools that have been closed were reopened, 70 percent of the black students formerly in each school would have to be moved out into other schools and this 70 percent replaced by white students.*
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> * * *
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> It is urged upon us that even so, both schools that were closed are newer and physically better than most of the other schools retained. We agree that this is a relevant factor. But neither alone nor in context does it establish invidious discrimination. Such a factor is only one of many that enter into a school closing decision. *We repeat that we do not sit to review state administrative decisions beyond the very limited reach of the Constitution.* (Italics supplied.)

Similarly, in the case at bar, as previously pointed out, if Drew and Hoffman-Boston had been retained as traditional

elementary schools, or if they were reconstituted as such, 90 percent of the black students formerly in each school would have to be moved out into other schools and this 90 percent replaced by white students. Moreover, the purpose of the school board's plan here is not merely to implement the *Brown II* principle, but also to implement *Swann, Davis* and *Adams.* That the plan "effectively achieves that end" is acknowledged even by the appellants. See, Brief for the Appellants, p. 19. In addition, the school board's plan is the only demonstrably rational and practical plan that will comply with the requirements of *Swann, Davis* and *Adams.*

In *Chambers,* this Court expressed doubt that many school systems had achieved a higher degree of integration than then prevailed in Iredell County. Subsequently, in *Allen,* this Court stated that Asheville was "at or near the pinnacle of arithmetical desegregation in America." *Id.,* at 903. So far as we are aware, Asheville is still *near* the pinnacle of arithmetical desegregation in America; however, we submit that *at* the pinnacle of arithmetical desegregation in America is Arlington County. Here again, it should be pointed out that this distinction was achieved without closing any school, while in the *Chambers* and *Allen* cases, the all-black facilities there under consideration were selected "for extinction" and were removed from the public school system. *Allen* v. *Asheville City Board of Education, supra,* at 905.

None of the cases relied upon by appellants derogates from the principles enunciated in the *Chambers* and *Allen* cases. In *Felder* v. *Harnett County Board of Education, supra,* the basis of this Court's decision was the complete failure of the school board to disestablish an entrenched dual school system in which only 4.3% of the black children were attending previously all white schools. Moreover, in that case there was not the slightest assurance of achieving

a unitary school system and the selection of the schools for closing was therefore suspect. See, *Allen, supra* at 906. In *Green* v. *School Board of City of Roanoke,* 316 F. Supp. 6 (W.D. Va. 1970), the closing of the formerly all-black high school there under consideration would have caused overcrowding in the three remaining predominantly white high schools in the city. In the face of this circumstance, no adequate reason was advanced by the school board, in terms of its desegregation plan or otherwise, to justify discontinuance of the school in question.

Brice v. *Landis,* 314 F. Supp. 974 (N.D. Cal. 1969) states nothing to the contrary. In that case, the closing of a 99% black school pursuant to the school board's plan would have resulted in overcrowded classes and distorted pupil-teacher ratios at the three remaining predominantly white schools in the system. *Id.,* at 977. Other "options, alternatives and courses of action" were available to the school board. *Id.,* at 978. Pointing out that a particular desegregation plan "when not reasonably required under the circumstances" could be discriminatory, the District Court observed (314 F. Supp. at 978):

> "Whether the plan, as here presented, is a good faith, reasonably adequate implementation of constitutional principles involved, *must be determined in the light,* among other things, *of the alternative options and courses of action available to the District.*" (Italics supplied.)

Commenting upon this decision in *Allen, supra,* this Court succinctly stated (434 F.2d at 907):

> "We are advertent to Brice v. Landis (N.D. Cal., Aug. 8, 1969), 314 F.Supp. 974, which held *on the peculiar facts of the case* that the closing of a Negro school was invidiously discriminatory and subject to injunction. *We think it means no more than that* and agree there may be such a case, but think it is not this one. *If it is read to imply that it is ordinarily for the district courts to determine which schools shall be closed rather than for the school board, we reject the proposition.*" (Italics supplied.)

Even less apposite is *Lee* v. *Macon County Board of Education,* 448 F. 2d 746 (5 Cir., 1971). In that case, the Court of Appeals for the Fifth Circuit reversed a decree of the district court which would have had the effect of leaving over 45% of the school district's Negro students in all-black, or virtually all-black, schools. *Id.,* at 748, 753. Moreover, the justification advanced by the school board for the proposed closing of two formerly all-black schools was (1) that whites would resist going to school in facilities formerly used by blacks, and (2) that otherwise white students would flee the school system altogether. *Id.,* at 750, 754. In light of these circumstances, the Court of Appeals directed the district court to require the school board "forthwith to constitute and implement a student assignment plan that complies with the principles established in *Swann* v. *Charlotte-Mecklenburg Board of Education.*" *Id.,* at 753. In short, *Lee* is a school closing, racially motivated, white-flight, non-unitary, non-*Swann* school desegregation case. Not one of the above-listed considerations obtains in the case at bar.

Haney v. *County Board of Education of Sevier County,* 429 F. 2d 364 (8 Cir., 1970) is equally inapplicable. In that case, the district court decreed the annexation of a small all-black school district in the county by a larger all-white school district and, in addition, decreed that the facilities of the larger all-white school district would be utilized and, only if these facilities proved inadequate, would those of the formerly all-Negro district be used. There was nothing in the record to explain the closing of the facilities formerly used

for the instruction of black students. After referring to this Court's decision in the *Felder* case and *Brice* v. *Landis, supra,* the Court of Appeals observed (429 F.2d at 372):

> "The matter of utilization of available facilities is *within the province and discretion of the school board.* There is a statement in the record that the class rooms of the former Sevier District are not of sufficient size to meet current state standards. These details, of course, are subject to many variations and much can be done within the existing framework of operation to sufficiently utilize existing facilities. *This is not a matter for court consideration but rather should be resolved on some rational non-discriminatory basis by the local school board."* (Italics supplied.)

Throughout their briefs, both appellants and amici curiae make only glancing references to *Swann,* pay no respect to *Adams* and do not even mention *Davis* at all. Indeed, reference is made to *Adams* only for its one line affirmance of the district court's retention of the Addison School in Roanoke; so far as appellants and amici are concerned, the rest of what this Court said in *Adams* does not even exist. Thus do they seek to avoid any consideration whatever of the school board's clear obligation to eliminate one-race schools and achieve the greatest possible degree of actual desegregation as required by *Swann, Davis* and *Adams.* Thus, too, do they seek to insinuate that the school board in this case can get by with something less than full compliance with the commands of these decisions, even though full compliance can be had, as demonstrated by the plan which the school board adopted and put into effect last September and which this Court and the Chief Justice of the United States refused to enjoin.

In addition, both appellants and amici persist in pressing the illusion that there "may" be other plans which would

meet the prescribed constitutional standards. See Brief for the Appellants, p. 17; Brief for Amici Curiae, p. 16. However, both are careful to avoid stating that there "is" such a plan or informing this Court of the details, or even the outlines, of such other plan. The reason for this equivocation is quite obvious—both appellants and amici know full well that there is no plan other than that adopted by the school board which rationally and practically accomplishes what this Court said in *Adams* must be done.

The assertion that the school board's plan unfairly burdens the Negro students of Drew and Hoffman-Boston will not bear scrutiny. For years pupils at these schools have attended a "walk-in" facility and have not been required to be bused (App. 48-49). If attendance at a "walk-in" facility can be deemed a convenience, it is one which these students have enjoyed for years while thousands of other children in Arlington County have been bused (App. 13). To require them at this late date to forego this convenience so that a racially balanced, unitary school system can be established can hardly be considered unfair. This, we submit, is especially true when one remembers that the bus ride they are asked to take is, on the average, only ten minutes longer than the time it would take them to walk to the Drew and Hoffman-Boston facilities, and the walk to those facilities had to be made in all weather conditions throughout the school year (App. 39). Finally, while the Drew and Hoffman-Boston students are now bused to other schools, over 40% of the Negro elementary students in Arlington County still attend their neighborhood schools (App. 15).

In *Allen,* a similar contention was rejected by this Court in language subsequently deemed controlling and quoted at length in *Mims* v. *Duval County School Board,* 329 F. Supp. 123 (M.D. Fla., 1971). In *Mims,* approving a desegregation

plan which involved the closing of seven black elementary schools, the district court observed (329 F. Supp. at 132-133):

> "In their second argument plaintiffs seek to have this Court require the School Board to bus white children to the core city for all elementary grades, not just to sixth grade centers, so to achieve equal busing of the races. The United States Court of Appeals for the Fourth Circuit resolved the same argument in Allen v. Asheville City Board of Education [434 F.2d 902, 907 (4 Cir., 1970)] with these words:
>
> > We are asked to decide whether the district court, in approving the plan, unconstitutionally placed 'the burden of desegregation' upon black pupils in the school system. It is urged upon us that the plan approved by the district court 'places an unfair, racially discriminatory burden upon black children' in that black children in grades 1 through 5 who previously attended all-black Livingston and Herring Elementary Schools will be required to travel as much as five or six miles in order to attend previously all-white schools. This is said to be an unfair allocation of the 'burden' of integration, and it is suggested that the Constitution requires that an equivalent number or proportion of white children in the same grades be required to travel an equivalent distance to enter schools outside their previous attendance zones.
> >
> > We hold that such a pattern of assignment implemented by free school bus transportation does not violate the equal protection clause of the Fourteenth Amendment.

The *rationale* in the Second Circuit is essentially the same. In Norwalk Core v. Norwalk Board of Education, [423 F.2d 121, 124 (2 Cir., 1970)] the Court noted:

> Plaintiffs would eliminate what they call unequal treatment by having, in effect, one white child bussed out of his neighborhood for every black child bussed out of his—in other words, deprive as many whites of neighborhood advantages as blacks are deprived by being bussed to schools predominantly white. But the problem is not as simple as a one black, one white ratio. It is a question of the Board, with the facilities available having 'acted in the utmost good faith, in a nonarbitrary and deliberate manner, in order both to insure racial balance and to provide high quality education.' * * *"

Nor will it do to assert that the school board's plan suggests to black children that it would be dangerous if "blacks make up more than 15% of the enrollment of any school." See, Brief for the Appellants, p. 15. This assertion is instantly blunted by the fact that four elementary schools in Arlington County already had black students in excess of 15% when the school board's plan was adopted. Moreover, the alternative arrangements for the Drew school espoused in plaintiffs' brief would limit black enrollment to 21% in each of the schools affected. Does this arrangement suggest that any number of black students in excess of 21% in any school is dangerous? Was any such message explicit or implicit in the racially balanced plans approved by this Court in *Chambers* and *Allen*? Neither, we submit, does the plan adopted by the school board in the case at bar carry such an inference.

It is, of course, primarily the obligation of the school board to frame and put into effect a plan which establishes a unitary school system, and, as pointed out in *Davis, supra* at 37, the "measure of any desegregation plan is its effectiveness." From *Brown II* to *Adams,* the decisions confirming this principle have been legion and consistent. As stated in *Bradley* v. *School Board of City of Richmond,* 325 F. Supp. 828, 832-833 (E.D. Va. 1971):

> "A second principle guiding the Court—almost as obvious as the doctrine of precedent—is that *it is primarily the School Board's duty to run the schools, and not this Court's nor the plaintiffs'* . . . Because both expertise and responsibility are the School Board's, it is to their proposals that courts look first for a legally sufficient plan. . . . When they assume the 'responsibility which Brown II placed squarely on the School Board,' Id., 412, 88 S. Ct. 1696, *courts will not presume to dictate a selection between equally effective desegregation plans.*" Wanner v. County School Board of Arlington County, 357 F. 2d 452, 436 (4th Cir. 1966). (Italics supplied.)

Echoing these observations are those of Judge Bryan in his special concurring opinion in *Adams, supra,* at 102:

> ". . . I think the only pattern the school authorities and the Courts must observe is one honoring the prescriptions of *Swann* and *Davis*. So long as it is in keeping with these decisions, my understanding is that formulation of a plan *is entrusted to the discretion of the school authorities* . . ." (Italics supplied.)

We submit that in the case at bar the obligation resting upon the Arlington County School Board has been fully discharged by the adoption of a desegregation plan which honors the prescriptions of *Swann* and *Davis*, complies with the commands of *Adams*, and is therefore constitutionally valid.

CONCLUSION

In *Walton* v. *Nashville, Arkansas, Special School District No. 1*, 401 F. 2d 137, 144 (8 Cir., 1969), Judge Blackmun, speaking for a court which sustained the non-reemployment of certain Negro teachers in a school desegregation case, made the following observations:

> "We are conscious in this case, as we have been in earlier ones, that the process of school integration is not easy and that there will be hurts and disappointments as integration is accomplished. Certainly, under the precepts of the *Brown* decisions, it has been too long delayed at Nashville. *But we are told that it has now been fully accomplished there. That fact should be a source of satisfaction for all citizens, white as well as black.*" (Italics supplied.)

In the case at bar, this Court is also informed that integration has now been fully accomplished in Arlington County. It is so informed by the plan itself, which is currently before this Court and was adopted to carry out the following policy of the school board (App. 40):

> "The purposes that the board had was, first of all, primarily to eliminate all vestiges of a dual system, to move to establish a true unitary system throughout the county, to provide and to establish racial balanced schools, and I think, then, to get on with the primary purpose of the school system which is the education of young people."

It is similarly informed by the appellants who admit that the plan is one "which unquestionably does away with the last vestiges of school segregation remaining from the legislatively imposed dual school system" and who further acknowledge that it "is undisputed that the Arlington School Board has put into effect a plan that fully complies with the primary mandates laid down in" *Brown, Green* and *Swann*. See, Brief for the Appellants, pp. 1, 9.

Finally, this Court is so informed by the District Court in the following language of its opinion, 329 F. Supp. at 955-956 (App. 14):

> "The Arlington County School Board has now fully complied with the Supreme Court decision in Brown I

> A unitary school system as required by Green and Alexander has been established. Arlington will have neither black nor white schools — just schools."

In light of the foregoing, and for the reason heretofore stated, we submit that the decision of the District Court is clearly correct and should be affirmed.

Respectfully submitted,

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CERTIFICATE

I certify that two copies of the within brief for appellees were mailed, with first class postage prepaid, to S. W. Tucker, Esquire, 214 East Clay Street, Richmond, Virginia 23219; to Robert M. Alexander, Esquire, 2011 South Glebe Road, Arlington, Virginia 22204; to Allison W. Brown, Jr., Esquire, Suite 501, 1424 Sixteenth Street, N.W., Washington, D.C. 20036; to Lawrence J. Latto, Esquire, 734 Fifteenth Street, N.W., Washington, D.C. 20005; and to Jack Greenburg, Esquire, Suite 2030, 10 Columbus Circle, New York, New York 10010, counsel for plaintiffs; and to William H. Allen, Esquire, and John B. Jones, Jr., Esquire, 888 Sixteenth Street, N.W., Washington, D.C. 20006, counsel for appellees, this 10th day of March, 1972.

R. D. McIlwaine, III